

COURTESY COPY OF THE INTERNATIONAL
PRELIMINARY REPORT ON
PATENTABILITY
WITH ANNEXES CONTAINING
CLAIMS 1-13 TO BE SUBSTITUTED
FOR ORIGINAL CLAIMS 1-11
FOR EXAMINATION IN THIS CASE


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | | |
|--|--|---|----------------------|
| Applicant's or agent's file reference O-2552 | FOR FURTHER ACTION | | See Form PCT/PEA/416 |
| International application No. PCT/B2005/050799 | International filing date (<i>day/month/year</i>) 03.03.2005 | Priority date (<i>day/month/year</i>) 03.03.2004 | |
| International Patent Classification (IPC) or national classification and IPC B24D13/16 | | | |
| Applicant CIBO N.V. ET ALL. | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of 1 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | | |
| Date of submission of the demand 03.01.2006 | | Date of completion of this report 02.02.2006 | |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | | Authorized Officer Eschbach, D Telephone No. +31 70 340-3257 | |



10/578256

IP20 Rec'd PCT/PTO 04 MAY 2006

International application No.
PCT/IB2005/050799**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY****Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-6 as originally filed

Claims, Numbers

1-13 received on 05.01.2006 with letter of 02.01.2006

Drawings, Sheets

1/1 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 2-13 |
| | No: Claims | 1 |
| Inventive step (IS) | Yes: Claims | 3-13 |
| | No: Claims | 2 |
| Industrial applicability (IA) | Yes: Claims | 1-13 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

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International application No.

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1 Reference is made to the following documents:

D1 : EP 1 093 885 A (BOTECH AG) 25 April 2001 (2001-04-25)

D2 : US 5 752 876 A (HETTES FRANK J) 19 May 1998 (1998-05-19)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 is not new in the sense of Article 33(2) PCT.

2.2 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (the references in parentheses applying to this document):

a sanding element (1) with a succession of overlapping lamellas (2) coated with sanding grains, where these lamellas are alternatively formed of sanding lamellas (2), flexible lamellas (5) and compressible (druckelastischen) lamellas (6) whereby each sanding lamella (2) rests and is supported on a set of flexible and compressible lamellas (5,6) (see paragraph 17 and claim 1).

3 DEPENDENT CLAIM 2

3.1 The subject-matter of dependent claim 2 differs from the disclosure of D1 in that the overlapping lamellas (2) do not contain abrasive grains but are coated with.

3.2 The problem to be solved by the present invention may therefore be regarded as to obtain a better abrasive effect by distribution of the abrasive grains throughout the lamellas.

3.3 In view of D2 the solution proposed in claim 2 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) since this feature is already disclosed in a similar flap disc abrasive tool, see especially column 7, lines 8 to 17.

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(SEPARATE SHEET)**

3.4 Therefore the features disclosed in D1 and D2 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

4 DEPENDENT CLAIM 3

4.1 The subject-matter of dependent claim 3 differs from the disclosure of D1 in that each sanding lamella rest with its operational part on a corresponding compressible lamella. The subject-matter of claim 3 is therefore new (Article 33(2) PCT).

4.2 The problem to be solved by the present invention may be regarded as to exert a constant pressure between the workpiece and the sanding element.

4.3 The solution to this problem proposed in claim 3 of the present application is considered as involving an inventive step because the abrasive lamella makes an even contact with the surface of the workpiece with an almost uniform pressure, thanks to the compressibility of the the underlying lamella. Since this solution is neither disclosed nor suggested by any prior art document, the present application meet the requirements of Article 33(3) PCT.

5 DEPENDENT CLAIMS 4 to 13

Claims 4 to 13 are dependent on claim 3 and as such also meet the requirements of the PCT with respect to novelty and inventive step.